

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION

CIVIL ACTION FILE NO. 1:15-cv-93

TD BANK, N.A.,	)	
Plaintiff	)	
	)	
v.	)	
	)	
ROCK CREEK PROPERTIES, LLC,	)	JUDGMENT AGAINST DEFENDANTS
JAMES E. FRADY and JUDY B. FRADY	)	
a/k/a JUDY B. COLEY,	)	
	)	
Defendants	)	

Defendants Rock Creek Properties, LLC, James E. Frady, and Judy B. Frady a/k/a Judy B. Coley, having failed to plead or otherwise defend in this action and said Defendants' default having been entered;

NOW, upon application of Plaintiff and upon Affidavit, Defendants Rock Creek Properties, LLC, James E. Frady, and Judy B. Frady a/k/a Judy B. Coley are indebted to Plaintiff in the following amounts:

1. On Plaintiff's First Claim for Relief, that the amount due Plaintiff from Defendants Rock Creek Properties, LLC, James E. Frady, and Judy B. Frady a/k/a Judy B. Coley, jointly and severally, is the sum of One Million Four Hundred Seventy-Six Thousand Two Hundred Sixteen and 78/100 Dollars (\$1,476,216.78) plus interest at the rate of Three Hundred Ninety-Seven and 88/100 Dollars (\$397.88) per day from and after April 30, 2015 until date of entry of judgment and thereafter at the legal rate until paid in full together with attorneys'

fees in the amount of fifteen percent (15%) of the outstanding indebtedness owing at the time of the institution of this action; and

2. On Plaintiff's Second Claim for Relief, that the amount due Plaintiff from Defendants James E. Frady and Judy B. Frady a/k/a Judy B. Coley, jointly and severally, is the sum of Four Hundred Thirty Thousand Five Hundred Sixty-Six and 90/100 Dollars (\$430,566.90) plus interest at the rate of One Hundred Fourteen and 38/100 Dollars (\$114.38) per day from and after April 30, 2015 until date of entry of judgment and thereafter at the legal rate until paid in full together with attorneys' fees in the amount of fifteen percent (15%) of the outstanding indebtedness owing at the time of the institution of this action; and

3. On Plaintiff's Third Claim for Relief, that the amount due Plaintiff from Defendants Rock Creek Properties, LLC, James E. Frady, and Judy B. Frady a/k/a Judy B. Coley, jointly and severally, is the sum of One Hundred Thirty-Five Thousand Nine Hundred Eight and 21/100 Dollars (\$135,908.21) plus interest at the rate of Thirty-Six and 80/100 Dollars (\$36.80) per day from and after April 30, 2015 until date of entry of judgment and thereafter at the legal rate until paid in full together with attorneys' fees in the amount of fifteen percent (15%) of the outstanding indebtedness owing at the time of the institution of this action; and

4. That Defendants Rock Creek Properties, LLC, James E. Frady, and Judy B. Frady a/k/a Judy B. Coley have defaulted for failure to plead and that said Defendants are not infants or incompetent persons, and are not in the military service of the United States.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Plaintiff recover as follows:

1. On Plaintiff's First Claim for Relief, that Plaintiff have and recover of Defendants Rock Creek Properties, LLC, James E. Frady, and Judy B. Frady a/k/a Judy B.

Coley, jointly and severally, the sum of One Million Four Hundred Seventy-Six Thousand Two Hundred Sixteen and 78/100 Dollars (\$1,476,216.78) plus interest at the rate of Three Hundred Ninety-Seven and 88/100 Dollars (\$397.88) per day from and after April 30, 2015 until date of entry of judgment and thereafter at the legal rate until paid in full, plus reasonable attorneys' fees in the amount of Two Hundred Twenty-Two Thousand One Hundred Forty-Eight and 70/100 Dollars (\$222,148.70), which is fifteen percent (15%) of the outstanding indebtedness due and owing at the time suit was instituted on May 12, 2015 (being the amount of \$1,480,991.34);

2. On Plaintiff's Second Claim for Relief, that Plaintiff have and recover of Defendants James E. Frady and Judy B. Frady a/k/a Judy B. Coley, jointly and severally, the sum of Four Hundred Thirty Thousand Five Hundred Sixty-Six and 90/100 Dollars (\$430,566.90) plus interest at the rate of One Hundred Fourteen and 38/100 Dollars (\$114.38) per day from and after April 30, 2015 until date of entry of judgment and thereafter at the legal rate until paid in full, plus reasonable attorneys' fees in the amount of Sixty-Four Thousand Seven Hundred Ninety and 92/100 Dollars (\$64,790.92), which is fifteen percent (15%) of the outstanding indebtedness due and owing at the time suit was instituted on May 12, 2015 (being the amount of \$431,939.46); and

3. On Plaintiff's Third Claim for Relief, that Plaintiff have and recover of Defendants Rock Creek Properties, LLC, James E. Frady, and Judy B. Frady a/k/a Judy B. Coley, jointly and severally, the sum of One Hundred Thirty-Five Thousand Nine Hundred Eight and 21/100 Dollars (\$135,908.21) plus interest at the rate of Thirty-Six and 80/100 Dollars (\$36.80) per day from and after April 30, 2015 until date of entry of judgment and thereafter at the legal rate until paid in full, plus reasonable attorneys' fees in the amount of Twenty Thousand Four Hundred Fifty-Two and 47/100 Dollars (\$20,452.47), which is fifteen percent

(15%) of the outstanding indebtedness due and owing at the time suit was instituted on May 12, 2015 (being the amount of \$136,349.81); and

4. That Plaintiff have and recover of Defendants Rock Creek Properties, LLC, James E. Frady, and Judy B. Frady a/k/a Judy B. Coley, jointly and severally, the costs of this action.

This the 25<sup>th</sup> day of August, 2015.

Signed: August 25, 2015

  
Frank G. Johns, Clerk  
United States District Court

